UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

WESTERN WATERPROOFING
COMPANY, INC. D/B/A WESTERN
SPECIALTY CONTRACTORS,

MEMO ENDORSED

Plaintiffs,

v.

ZURICH AMERICAN INSURANCE
COMPANY, ALLIED WORLD SPECIALTY
INSURANCE COMPANY AND ALLIED
WORLD ASSURANCE COMPANY (U.S.)
INC., BDG GOTHAM RESIDENTIAL, LLC
AND ZDG, LLC,

Defendants,

and

STARR INDEMNITY & LIABILITY
COMPANY, NAVIGATORS INSURANCE
COMPANY, PHILADELPHIA INDEMNITY
INSURANCE COMPANY, MARKEL
AMERICAN INSURANCE COMPANY,
BERKLEY INSURANCE COMPANY,

Intervening Defendants.

No. 1:20-cv-3199-AJN-BCM
(Related Case no. 1:19-cv-6386)

Judge Colleen McMahon

6/6/2022

As all parties agree that the requested relief should be granted (or at least do not oppose same), the motion is granted and the clerk of court is directed to enter judgment in favor of Defendant Allied World Assurance Company U.S. (AWAC) dismissing Counts V and VI of the First Amended Complaint.

**ALLIED WORLD ASSURANCE COMPANY (U.S.) INC.'S
UNOPPOSED MOTION FOR ENTRY OF FINAL JUDGMENT
UNDER RULE 54(B) ON COUNTS FIVE AND SIX OF
PLAINTIFF'S FIRST AMENDED COMPLAINT**

Defendant, Allied World Assurance Company (U.S.) Inc. ("AWAC") moves, under Rule

54(b) of the Federal Rules of Civil Procedure, for an Order directing entry of a final judgment in

AWAC's favor on Counts V (Breach of Contract) and VI (Declaratory Judgment) of Plaintiff,

Western Waterproofing Company's ("Western") First Amended Complaint.

Dated: June 3, 2022

Respectfully Submitted,

/s/ James J. Sanders

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